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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nixon Peabody LLP 200 Page Mill Road Suite 200 Palo Alto, CA 94306				
EXAMINER				
YEUNG, MANG HANG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,806

Applicant(s)

ISENSER FARRE ET AL.

Examiner

MANG YEUNG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application **No. 10/596806** filed on **07/25/2009** is presented for examination by the examiner.
2. **Claims 1 – 5** were cancelled. **New claims (6 – 10)** are added. Pending claims include **claims 6 – 10**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6, 10** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Roshanski et al (US Patent Publication # 2003/0053798 A1) in views of Nakai (US Patent Publication # 2003/2354000 A1).

As per **claim 6**, Roshanski discloses **"A receiver system for digital television, comprising:"** [fig. 2: PVR] **"two data stream input interfaces;"** [(fig. 2: video in 32 and video in 32')] **"two data stream output interfaces;"** [fig. 2: video out 34 and video out 34'] **"a hard disk interface;"** [(par. 0039), hard disk drive 10] **"and a processor coupled to all the interfaces,"** [(par. 0037), the video processor 65] **"the processor transmitting a data stream from one of the input interfaces to the hard disk interface for recording to a hard disk**

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while simultaneously reproducing a data stream from the hard disk for transmitting to one of the output interfaces" [(par. 0039), The PVR 10 then records the program and stores the compressed video stream on the hard disk drive 10. If the telephone rings during the live broadcast and the viewer is interrupted for five minutes of the live broadcast, the live broadcast continues to be stored and recorded on the hard disk drive 15. When the viewer returns from his interruption, he can command the PVR 15 to display the recorded program from the point of the interruption while continuing to record the live broadcast]

Roshanski does not expressly disclose the two data stream input/output interfaces is in "MPEG" format.

However, Nakai discloses the two data stream input/output interfaces are in "MPEG" format as [(fig. 1 and par 0030), an MPEG video encoder 16, an MPEG audio encoder 22; (fig. 1 and par 0032), an MPEG video decoder 42, and an MPEG audio decoder 48].

Roshanski et al (US Patent Publication # 2003/0053798 A1) and Nakai (US Patent Publication # 2003/2354000 A1) are analogous art because they are the same field of endeavor of network communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Nakai's teaching into Roshanski's teaching. The motivation for making the above modification would be to provide a content reproduction apparatus capable of reproducing from a head portion a video content stored in a file. (Nakai, par. 0006)

As per **claim 10**, Roshanski in view of Nakai discloses **"The system of claim 6,"** as [see rejection of claim 6]

Roshanski discloses **"further comprising a switching module coupled to all the interfaces that routes data streams between the interfaces"** as [(fig. 2: video processor; pars. 37 to 39)].

5. **Claim 7** is rejected under 35 U.S.C. 103 (a) as being unpatentable over Roshanski et al (US Patent Publication # 2003/0053798 A1) in views of Nakai (US Patent Publication # 2003/2354000 A1) and further in view of Bo et al. (US Patent Publication # 2004/0098748 A1).

As per **claim 7**, Roshanski in view of Nakai discloses **"The system of claim 6,"** as [see rejection of claim 6]

Roshanski in view of Nakai does not expressly disclose "wherein one of the input interfaces is coupled to a local network".

However, Bo discloses **"wherein one of the input interfaces is coupled to a local network"** as [(par. 0063), The streaming server has a data receiver module to receive MPEG-4 simple profile live video data from the rate adaptive MPEG-4 simple profile encoder through the LAN].

Roshanski et al (US Patent Publication # 2003/0053798 A1) and Bo et al. (US Patent Publication # 2004/0098748 A1) are analogous art because they are the same field of endeavor of network communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Bo's teaching into Roshanski's teaching. The

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motivation for making the above modification would be to provide an MPEG-4 live unicast video streaming system in a wireless network that allows the streaming server to provide continuous video streaming service over a best-effort network. (Bo, par. 0012)

6. **Claim 8** is rejected under 35 U.S.C. 103 (a) as being unpatentable over Roshanski et al (US Patent Publication # 2003/0053798 A1) in views of Nakai (US Patent Publication # 2003/2354000 A1) and further in view of Boyle (US Patent # 7146094 B1).

As per **claim 8**, Roshanski in view of Nakai discloses "**The system of claim 6**," as [see rejection of claim 6].

Roshanski in view of Nakai does not expressly disclose "wherein the processor provides conditional access to the data streams from the input interfaces"

However, Boyle discloses "**wherein the processor provides conditional access to the data streams from the input interfaces**" as[(col. 5 – lines 13 to 15), the conditional access module 114 selects one of these digital video channels in response to commands from the microprocessor 140].

Roshanski et al (US Patent Publication # 2003/0053798 A1) and Boyle (US Patent # 7146094 B1) are analogous art because they are the same field of endeavor of network communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Boyle's teaching into Roshanski's teaching. The

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motivation for making the above modification would be to provide the capabilities of currently available digital video recorders and set-top boxes, while also enabling the reduction of the redundancy of functions and components among these digital video recorders and set-top boxes. (Boyle, col. 2 – lines 3 to 7)

7. **Claim 9** is rejected under 35 U.S.C. 103 (a) as being unpatentable over Roshanski et al (US Patent Publication # 2003/0053798 A1) in views of Nakai (US Patent Publication # 2003/2354000 A1) and further in view of Horiguchi et al. (US Patent # 5973748)

As per claim 9, Roshanski in view of Nakai discloses “**The system of claim 6,**” as [see rejection of claim 6].

Roshanski in view of Nakai does not expressly disclose “wherein the processor synthesizes a data stream and transmits it to one of the output interfaces”.

However, Horiguchi discloses “**wherein the processor synthesizes a data stream and transmits it to one of the output interfaces**” as [(col. 6 – lines 7 to 13), The synthesis circuit 16 then synthesizes the digital video signals with a pattern designated by the control circuit 22 so that images corresponding to digital video signals supplied by the MPEG-PS decoder 13, MPEG-TS decoder 14 and DVCR-SD decoder 15 are displayed on one picture, with the synthesized digital video signal then being outputted to the multiplexer 17-1].

Roshanski et al (US Patent Publication # 2003/0053798 A1) and Horiguchi et al. (US Patent # 5973748) are analogous art because they are the same field of endeavor of network communication.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Horiguchi's teaching into Roshanski's teaching. The motivation for making the above modification would be to enable playback of data using a single device by connecting a plurality of devices handling these various kinds of data via a digital interface to a device having a plurality of decoders for decoding the data. (Horiguchi, col. 1 – lines 35 to 40)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANG YEUNG whose telephone number is (571)270-7319. The examiner can normally be reached on Mon to Th (9:00am to 5:00pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571 272 3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/M.Y./

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 2463